

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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FREIGHTLINER LLC,

Plaintiff,

Case No. 05-C-429

v.

CX ROBERSON, INC.,  
PFT ROBERSON, INC., and  
KEVIN CLEARY, as assignee under  
an assignment for the benefit of  
creditors of CX Roberson, Inc. and  
PFT Roberson, Inc.,

Defendants.

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**OPINION AND ORDER**

Petitioner Freightliner, L.L.C. commenced this action to confirm an arbitration award made on April 8, 2005, by arbitrator Sam Hallman pursuant to 9 U.S.C. § 9. Because Defendants CX Roberson, Inc., PFT Roberson, Inc., and Kevin Cleary, as assignee under an assignment for the benefit of creditors of CX Roberson, Inc. and PFT Roberson, Inc. have failed to appear to oppose confirmation, the court has concluded that confirmation is proper.

Accordingly, based upon the findings of fact and conclusions of law entered onto the record following a default hearing held on August 4, 2005, when the Defendant failed to appear, the court ORDERS that the Plaintiff's "Motion for Entry of Default Judgment Confirming Arbitration Award" (filed June 15, 2005) IS GRANTED. See Federal Rule of Civil Procedure 55.

IT IS FURTHER ORDERED that the Clerk of Court shall enter a final judgment as a separate document. See Federal Rule of Civil Procedure 58. This judgment shall provide that:

Plaintiff Freightliner LLC brought this action to confirm an Arbitration Award before the court, the Honorable Thomas J. Curran, District Judge, presiding, and the Defendants CX Roberson, Inc. PFT Roberson, Inc. and Kevin Cleary, as assignee under an assignment for the benefit of creditors of CX Roberson, Inc. and PFT Roberson, Inc. having failed to answer or otherwise respond,

IT IS ORDERED AND ADJUDGED that:

1. The Arbitration Award of April 8, 2005, is confirmed.
2. Plaintiff Freightliner shall recover of Defendants CX Roberson, Inc. PFT Roberson, Inc. and Kevin Cleary in his capacity as the assignee for the benefit of CX Roberson, Inc. and PFT Roberson, Inc. the sum of \$4,665,423.00 as damages, interest and attorney fees under the Arbitration Award.
3. Plaintiff Freightliner shall recover of Defendants CX Roberson, Inc. and Kevin Cleary in his capacity as the assignee for the benefit of CX Roberson, Inc. and PFT Roberson, Inc. the sum of \$21,157.99 as arbitration expenses under the Arbitration Award.
4. The counter demands of CX Roberson, Inc. and PFT Roberson, Inc. asserted in the Arbitration Award are dismissed.

IT IS FURTHER ORDERED AND ADJUDGED

that this action is dismissed with prejudice.

Done and Ordered in Chambers at the United States Courthouse,  
Milwaukee, Wisconsin, this 5th day of August, 2005.

s/ Thomas J. Curran  
Thomas J. Curran  
United States District Judge